

# SUPPLEMENT

## THE NEW BALLOT LAW

### The Amended Baker Plan.

#### FULL TEXT OF THE BILL JUST MADE LAW.

#### Many Radical Changes For the Voter to Study Up On.

The governor has signed the measure known as the "Baker ballot reform bill." The bill which has become a law is the product of a conference committee of the senate and house which consisted of J. P. S. Gobin, Henry Green and John N. Neeb on the part of the senate, and of Jesse W. Baker, John H. Fow and Frank M. Ritter on the part of the house.

Following is the full text of the bill:

**SECTION 1.** Be it enacted by the senate and house of representatives of the Commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, that from and after March 1, 1922, all ballots cast in elections for public officers within this Commonwealth shall be printed and distributed at public expense as hereinafter provided. The printing of the ballots and of the cards of instruction for the elections in each county, and the delivery of the same to the election officers, as hereinafter provided, and all other expenses incurred under the provisions of this act shall be a county charge unless herein otherwise provided, the payment of which shall be provided for in the same manner as the payment of other election expenses. It shall be the duty of the secretary of the Commonwealth to prepare forms for all the blanks made necessary or advisable by this act, and to furnish copies of the same to the county commissioners of each county, who shall procure further copies of the same at the cost of the county and furnish them to the election officers or any other persons by whom they are to be used in such quantities as may be necessary to carry out the provisions of this act.

**SECTION 2.** Any convention of delegates or primary meeting of electors, or caucus held under the rules of a political party, or any board authorized to certify nominations representing a political party, which at the election next preceding polled at least 3 per centum of the largest entire vote for any office cast in the State, or in the electoral district or division thereof for which such primary meeting, caucus, convention or board desires to make or certify nominations, may nominate one candidate for each office which is to be filled in the State, or in the electoral district or division at the next ensuing election, by causing a certificate of nomination to be drawn up and filed as hereinafter provided, provided that any political party which polled three per centum of the entire vote in the State at the last preceding election in said electoral district or division. Every such certificate of nomination shall be signed by the presiding officer and the secretary or secretaries of the convention or primary meeting or caucus or board, who shall affix thereto their places of residence, and shall be sworn or affirmed to by them before an officer qualified to administer oaths to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

**SECTION 3.** Nominations of candidates for any public office may also be made by nomination papers signed by qualified electors of the State, or of the electoral district or division thereof, for which the nomination is made, and filed in the proper office as provided in section five of this act. Where the nomination is for any office to be filled by the voters of the State at large the number of qualified electors of the State signing such nomination paper shall be at least one-half of 1 per centum of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for. In the case of all other nominations, the number of qualified electors of the electoral district or division signing such nomination papers shall be at least 3 per centum of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said nomination

papers are designed to be made. Each elector signing a nomination paper shall add to his signature his place of residence and occupation, and no person may subscribe to more than one nomination for each office to be filled. The signatures to each nomination paper and the qualification of the signers shall be vouched for by the affidavit of at least five of the signers thereof, which affidavit shall accompany the nomination paper, provided that nomination papers which are not signed and made out in strict compliance with all the requirements of this act shall be invalid.

**WHAT MUST BE STATED.**  
**SECTION 4.** All certificates of nomination and nomination papers shall specify: (1) The party, or policy, which such candidate represents expressed in not more than three words; in the case of electors of president and vice president of the United States the names of the candidates for president and vice president may be added to the party or political appellation. (2) The name of each candidate nominated therein, his profession, business, or occupation, if any, and his place of residence with street and number thereon, if any. (3) The office for which such candidate is nominated, provided that no words shall be used in any nomination papers to describe or designate the party or policy or political appellation represented by the candidate named in such nomination papers as aforesaid, identical with or similar to the words used for the like purpose in certificates of nomination made by a convention of delegates of a political party which at the last preceding election polled 3 per centum of the largest vote cast.

**SECTION 5.** Certificates of nomination for candidates for the offices of presidential electors and members of the house of representatives of the United States, and for all State officers including those of judges, senators and representatives, shall be filed with the secretary of the Commonwealth at least 56 days before the election for which the candidates are nominated, and nomination papers for candidates for the said offices shall be filed with the said secretary at least 40 days before the day of such election.

**WHERE PAPERS ARE FILED.**  
Certificates of nomination and nomination papers for candidates for all other offices, except township and borough offices, shall be filed with the county commissioners of the respective counties at least 42 and 35 days respectively before the day of the election. Certificates of nomination and nomination papers for candidates for township and borough offices and election officers and school directors in the same shall be filed with the auditors of the respective townships and boroughes at least 10 and 7 days respectively before the day of the election.

**SECTION 6.** The certificates of nomination and nomination papers, being so filed and being in conformity with the provisions of this act, shall be deemed to be valid unless objections thereto are duly made in writing. (1) In the case of certificates and papers designed for the State at large within 30 days after the last day for the filing of such certificates and papers. (2) In the case of other certificates and papers except those designed for borough and township offices within 20 days after the last day for the filing of such certificates and papers. (3) In the case of certificates and papers designed for borough and township offices within three days after the last day for the filing of such certificates and papers. Objections as to form or apparent conformity or non-conformity to law of certificates or papers designed for the State at large shall be filed with the secretary of the Commonwealth, and shall be considered by him conjointly with the auditor general and attorney general, and shall be decided finally by a majority of these officers.

**TO SETTLE OBJECTIONS.**  
Objections of the same kind to other certificates and papers, except those for borough and township offices, shall be filed with the county commissioners, and shall be decided finally by a majority of them. Objections of the same kind to certificates and papers designed for borough and township offices shall be filed with the auditors, and shall be decided by a majority of them. All objections as to the validity of certificates or papers, other than objections as to form or apparent conformity as heretofore described shall, in the case of certificates or papers designed for the State at large, be filed in the court of common pleas of Dauphin county, and in the case of all other certificates and papers such objections shall be filed in any court of common pleas within the judicial district of which such election district or division or part thereof for which such certificates or papers are designed may be situated. In case the court is in session one or more judges of the court shall immediately proceed to hear such objections without unnecessary adjournment or delay, and shall give such hearing precedence over all other business before him or them. In case the court is not in session any judge of such court, on the presentation to him of the certificate of the prothonotary that such objections have been filed as aforesaid, shall immediately proceed to hear such objections as aforesaid. Where there is more than one court of

common pleas in any election district or division, such objections may be referred by the court with which they are filed to any other court in such district, if such reference is necessary to secure a more convenient and speedy hearing, and all cases of dispute as to which of several courts in such district shall have jurisdiction shall be immediately decided by the judge being oldest in commission in such district.

**PROVISION FOR WITHDRAWAL.**  
**SECTION 7.** Any person whose name has been presented as a candidate may cause his name to be withdrawn from nomination by request in writing, signed by him and acknowledged before an officer qualified to take acknowledgements of deeds, and filed with the secretary of the Commonwealth 15 days, or with the county commissioners of the proper county 12 days, as the case may be, previous to the day of election, and no name so withdrawn shall be printed upon the ballots.

**SECTION 8.** All certificates of nomination and nomination papers when filed shall be open under proper regulations to public inspection, and shall be preserved not less than two years in the offices where they have been filed.

**SECTION 9.** The secretary of the Commonwealth shall, 10 days at least previous to the day of any election of United States or State officers, transmit to the county commissioners and the sheriff in each county in which such election is to be held duplicate official lists stating the names and residences of all parties or policies represented by all candidates whose nomination certificates or papers have been filed with him as herein provided for such election, and have not been found and declared to be invalid as provided in section six, and to be voted for at each voting place in each county respectively substantially in the form of the ballots to be used therein. The county commissioners of each county shall also send to the sheriff of their county at least 10 days prior to the day of any election an official list containing the names, residences and party or political appellations of all candidates except those for election officers and school directors whose nomination certificates or papers have been filed with the said commissioner as herein provided for such election, and to be voted for at each voting place in the county substantially in the form of the ballots to be used therein.

**PROCLAIMING THE ELECTIONS.**  
**SECTION 10.** It shall be the duty of the sheriff of every county at least 10 days before any election to be held therein, except for township and borough offices, to give notice of the same by proclamations posted up in the most public places in every election district, and by advertisements in at least two newspapers, if there be so many published in the county, representing so far as practicable the political parties which at the preceding election cast the largest and next largest number of votes; and in every such proclamation or advertisement he shall: (1) Enumerate the officers to be elected and give a list of all the nominations, except for election officers and assessors, made as provided for in this act and to be voted for in such county as far as may be in the form in which they shall appear upon the ballots, but the proclamations posted in each election district need not contain the names of any candidates but those to be voted for in such district. (2) Designate the place at which the election is to be held. (3) He shall give notice that every person excepting justices of the peace, who shall hold any office or appointment of profit or trust under the government of the United States, or of this State, or of any city or incorporated district, whether a commissioned officer, or otherwise a subordinate officer or agent who is or shall be employed under the legislative, executive or judiciary department of this State or of the United States, or of any city or incorporated district, and also that every member of congress and of the State Legislature and of the Select or Common Council of any city or commissioners of any incorporated district, is by law incapable of holding or exercising at the same time the office or appointment of judge, inspector or clerk of any election of this Commonwealth, and that no inspector, judge or other officer of any such election shall be eligible to any office to be then voted for except that of an election officer.

**IN CASE OF DEATH.**  
**SECTION 11.** In case of the death or withdrawal of any candidate nominated as herein provided the party, convention, primary meeting, caucus or board or the citizens who nominated such candidate may nominate a substitute in his place by filing in the proper office at any time before the day of election a nomination certificate or paper which shall conform to all the requirements of this act in regard to original certificates or papers, provided that if the said convention or citizens shall have authorized any committee to make nominations in the event of the death or withdrawal of candidates, the said convention shall not be required to re-convene, nor the said citizens to sign a new nomination paper, but the said committee shall have power to file the requisite nomination certificate or paper, which shall recite the facts of the appointment and the powers of said committee,

(naming all its members) of the death or withdrawal of the candidate, and of the action of the committee thereon; and the truth of these facts shall be verified by the affidavit annexed to the certificate or paper of two members of the committee, and also of at least two of the officers of the convention who made affidavit in support of the original certificate, or two of the citizens who made affidavit to the original paper; and provided also that in case of a substituted nomination paper not filed by a committee but signed by citizens, it shall only be necessary that two-thirds of the signers of the said paper shall have been signers of the original paper.

**OBJECTIONS TO SUBSTITUTES.**  
**SECTION 12.** All substituted nomination certificates or papers may be objected to as provided in section seven of this act, and if a substituted certificate or paper be filed after the last day for filing the original certificate or paper, objections must be made within four days after the filing, and no objections as to form or conformity to law shall be received after the time set for printing the ballots.

As soon as any substituted candidate shall have been duly nominated his name shall be substituted by the proper officers in the place of that of the candidate who has died or withdrawn, so far as time may allow, or in case a substituted nomination be filed with or transmitted to the county commissioners or township or borough auditors after the ballots have been printed, the said commissioners or auditors shall prepare and distribute with the ballots suitable slips of paper bearing the substituted name, together with the title of the office and having adhesive paste upon the reverse side, which shall be offered to each voter with the regular ballot, and may be affixed thereto.

**SECTION 13.** The county commissioners of each county, shall cause all the ballots to be used therein to be printed, except for elections of officers of townships and boroughs, and election officers and school directors in the same, the ballots for which shall be printed and distributed by the auditors, who shall certify the cost of such printing and distribution to the county commissioners for payment as part of a county election expense. The said commissioners and auditors shall ascertain the offices to be filled and shall be responsible for the accurate printing of the ballots, in accordance with this act, and for the safe keeping of the same while in their possession or that of their subordinates or agents.

**HOW BALLOTS ARE PRINTED.**  
**SECTION 14.** The face of every ballot which shall be printed in accordance with the provisions of this act shall contain the names and residences of all candidates whose nomination for any office specified in the ballot shall have been duly made, except such as may have died or withdrawn. The names of candidates shall be presented in the following manner and order:

In the case of certificates of nominations made by a convention of delegates, or otherwise as described in section two, representing a political party which at the election next preceding polled at least 3 per centum of the highest entire vote cast in the State or electoral district or division thereof for which such nominations are made, as described in section two, the names of all the candidates so nominated by such political party shall be arranged in groups as presented in the several certificates of nomination under the designation of the office with the party descriptive words or political appellation at the head of each group. Such groups shall be printed in the order of the vote polled by each political party at the last preceding election, beginning with the party which secured the highest vote. In all other cases of nomination by nomination papers the names of the candidates for each office shall be arranged in alphabetical order according to the surnames. There shall be left at the end of the list of candidates for each different office (or under the title of the office itself for which an election is to be held in case there be no candidates legally nominated therefor) as many blank spaces as there are persons to be elected to such office in which the voter may insert the name of any person whose name is not printed on the ballot for whom he desires to vote as candidate for such office, and such insertion shall count as a vote without the cross mark (x) hereinafter mentioned. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people such questions shall be printed upon the ballot after the list of candidates.

**THE USE OF THE PENCIL.**  
The ballot shall be so printed to as give to each voter a clear opportunity to designate his choice of candidates by a cross mark (x) in a sufficient margin at the right of the name of each candidate, and in like manner his answer to the questions submitted, and on the ballot may be printed instructions how to mark, and such words as will aid the voter to do this as "vote for one," "vote for three," "yes," "no," and the like, provided that a voter may designate his choice of all the candidates of a political party or group by

one crossmark in the margin to the right of the party name or political designation of such group, and such mark shall be equivalent to a mark against every name in the group.

**SECTION 15.** All the ballots used at the same voting place at any election shall be alike and shall be at least six inches long and four inches wide; they shall be printed with the same kind or kinds of type (which shall not be smaller than the size known as "brevier" or "eight-point body") upon white paper without any impression or mark to distinguish one from another except as expressly authorized herein or by the constitution of this Commonwealth. Each ballot shall be attached to a stub or counterfoil, and all the ballots for the same voting place shall be bound together in convenient numbers in books in such manner that each ballot may be detached and removed separately.

A diagonal folding line shall be printed on the right hand upper corner of the back of each ballot, and the said corner shall be edged with adhesive paste so that the corner, when folded at the folding line, can be securely fastened down over the number now required by the constitution of this Commonwealth so that the said number cannot be seen without unfastening or cutting open the part so fastened down. The top of each ballot shall have a margin of equal size on both back and face and the said folding line shall be upon this margin, but nothing else shall be printed thereon except instructions how to mark, provided that if at any time the said constitution shall cease to require ballots to be numbered the foregoing requirements as to the folding line, the margin and the adhesive paste shall be void.

**WHAT THE BALLOT CONTAINS.**  
On the back of each ballot, or on the right hand side of the back if the ballot is printed in two columns, there shall be printed as a caption "Official ballot for," followed by the designation of the voting place for which the ballot is prepared, the date of the election, and the name of the signers of the county commissioners of the respective counties who have caused the ballots to be printed, unless they have been printed by township or borough auditors. A list of the number of ballots printed and furnished to each voting place shall be kept and preserved by the county commissioners of the several counties, when it is shown by any of the ballots or omissions or description of the ballots, the court of common pleas of the district or county or any judge thereof, may, upon the application of any qualified elector of the district or county, require the county commissioners to correct the mistake or omission or to show cause why they should not.

**SECTION 16.** The county commissioners of each county shall provide for each election district in which an election is to be held, except in elections for township and borough offices, two sets of such ballots, each of not less than 20 or every 20 and fraction of 20 voters therein as contained upon the assessor's list. They shall also prepare full instructions for the guidance of voters as to obtaining ballots, as to the manner of marking them, and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and they shall respectively cause the same, together with copies of sections 31 to 39 inclusive of this act, to be printed in large clear type on separate cards to be called cards of instruction.

**THE SPECIMEN BALLOTS.**  
They shall also cause to be printed on tinted paper and without the fac-simile impressions of any number of copies of the ballot provided for each voting place at each election therein, which shall be called specimen ballots, and at each election they shall furnish to each voting place, together with the ballots to be used thereon, a number of copies of cards of instruction and specimen ballots for use, as required in section 21 of this act. They shall also provide for each election district at every election, two sets of copies of the assessor's lists of voters, and shall deliver the same as such lists are now delivered, one copy to be called the "ballot check list" for the inspectors in charge of the ballots, and the other copy to be called the voting "check list" to be used in marking the names of those who have voted and the numbers of their ballots as now required by law.

**SECTION 17.** The two sets of ballots, together with the specimen ballots and cards of instruction printed by the county commissioners as herein provided, shall be packed by them in separate sealed packages with marks on the outside clearly designating the election districts for which they are intended and the number of ballots of each kind enclosed. They shall then be sent by the county commissioners of the respective counties separately and at different times, or by different methods, to the judges of election at the several voting places so as to be received by them, one set on the Saturday before the day of election, and the other set on the Monday before the day of election.

**RECEIPTS FOR THE BALLOTS.**  
The respective judges of election shall, on delivery to them of such packages, return receipts therefor to the county commissioners, who shall keep a record of the time when and the manner in which the several packages are sent and shall preserve for the period of one year the receipts of the judges of election. For each package of ballots of townships and boroughes and of election officers and school directors in the same the auditor shall provide for each election district 75 ballots for every 20 and fraction of 20 voters on the assessor's list and an equal number of specimen ballots, and shall obtain from the county commissioners the requisite cards of instruction, which shall be delivered with the ballots to the judges of election the day before the day of election.

**SECTION 18.** In case the ballots to be furnished to any voting place in accordance with the provisions of this act shall not for any reason be duly delivered, or in case after delivery they shall be destroyed or stolen it shall be the duty of the judge of election of such voting place to cause other ballots to be prepared substantially in the form of the ballots so wanting, and upon receipt of such other ballots from him, accompanied by a statement under oath that the same have been so prepared and furnished by him, and that the original ballots have so failed to be received or have been so destroyed or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots wanting as above. It shall be the duty of the county commissioners of

each county to mail complete specimens of the ballots and other necessary papers by registered letter to the judge of elections of each election district at least four days before the election to enable him to comply with the directions of this section.

**THE VOTING ROOMS.**  
**SECTION 19.** The county commissioners of each county shall provide for each election district therein at each election a room large enough to be fitted up with voting shelves and a guard rail, as hereinafter provided. If in any district no such room can be rented or otherwise obtained, the said commissioners shall cause to be constructed for such district a temporary room of adequate size to be used as a voting room; they shall also cause all the said rooms to be suitably provided with heat and light and with a sufficient number of voting shelves or compartments at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting shelves or compartments. The arrangement shall be such that neither the ballot box nor the voting booths shall be hidden from view of those just outside the said guard-rail. The number of such voting shelves or compartments shall not be less than one for every 20 names on the assessor's list, but shall not in any case be less than three for the voters qualified to vote at such voting place. No persons other than election officers admitted, as hereinafter provided, shall be permitted within the said rail except by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

**WHO PAYS THE BILL.**  
**SECTION 20.** To provide for the cost of said shelves or compartments and guard-rails in the year 1922 the secretary of the Commonwealth, the secretary of internal affairs, and the auditor general shall be and they are hereby constituted a board to decide upon a pattern of the said shelves or compartments and a pattern of the said guard-rails and upon the material to be used for them and such other furniture and apparatus as may be necessary, and to fix a limit of cost of the same per shelf or compartment and per lineal foot, within two months after the passage of this act, notify the commissioners of the respective counties of the pattern adopted and of the limit of cost, and the said commissioners, after they have studied the said shelves or compartments and guard-rails, shall send to the auditor general of the Commonwealth a statement of the voting places in the county, naming them, and if the number of shelves or compartments provided for each according to the pattern adopted, and of the cost of the same, not exceeding the limit to be fixed as aforesaid, which statement shall be signed by the said commissioners, verified by the affidavit of one of them, and approved by the county controller or auditors. On receipt of the said statement the auditor general shall draw warrants upon the treasury of the Commonwealth in favor of the respective counties from which the said statements shall have been received for the sum therein stated to be due, and the State treasurer is hereby directed to pay the said warrants. The shelves and compartments and guard-rails shall thereafter be the property of the respective counties, and no further allowance shall be made to the counties by the auditor general for providing the same.

**TO EXPLAIN THE VOTER.**  
**SECTION 21.** At the opening of the polls in each voting place, the seals of one package shall be publicly broken, and the said package shall be opened by the judge of elections. The cards of instruction shall be immediately posted at or about the voting compartment provided in accord with this act for the marking of the ballots, and not less than three such cards shall be immediately posted in or about the voting room, outside the guard rail, and such cards and specimen ballots shall be given to any voter, at his request. The second set of specimen judges of election until they are needed for the purpose of voting.

**SECTION 22.** Any person desiring to vote shall give his name and residence to one of the election officers in charge of the polls, who shall thereupon announce the same in a loud and distinct tone of voice, and if such name is found upon the ballot check list by the inspector or clerks in charge thereof he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard-rail, unless his right to vote be challenged. No person whose name is not on the said list, or whose right to vote shall be challenged by a qualified elector, shall be admitted within said guard-rail until he has established his right to vote in the manner now provided by law, and his name, if not on the check-lists, shall then be added to both lists. As soon as a voter is admitted within the rail, the election officer having charge of the ballots shall detach a ballot from the stub and give it to the said voter, but shall first fold it so that none of the numbers on the back and outside as provided in section 15 of this act, shall be the only writing visible, and no ballot shall be voted unless folded in the same manner. Not more than one ballot shall be given to a voter except as provided in section 23 of this act.

**NO RECORDS OF NUMBERS.**  
As soon as a voter received a ballot the letter "B" shall be marked against his name on the margin of the ballot check list, but no record of the number of the voters shall be made on the said lists. Besides the election officers and such supervisors as are authorized by the laws of the United States or Commonwealth to meet them, four voters in excess of the number of voting shelves or compartments provided shall be allowed in said enclosed space at any time.

**SECTION 23.** On receipt of his ballot the voter shall forthwith, without leaving the voting room enclosed by the guard-rail retire to one of the voting shelves or compartments, and shall prepare his ballot by marking in the appropriate margin or place a cross (x) opposite the party name or political designation of a group of candidates, or opposite the name of the candidate of his choice for each office to be filled, or by inserting in the blank space provided therefor any name not already on the ballot, and in case of a question submitted to the vote of the people by marking in the appropriate margin or place a cross (x) against the answer which he desires to give. Before leaving the voting shelf or compartment the voter shall fold his ballot without displaying the marks thereon in the same way it was folded when received by him, and he shall keep the same so folded until he has voted.

After leaving the voting shelf and before returning to the election officer in charge of the ballot box, he shall, without unfolding the ballot, number it as required by the constitution of this Commonwealth, placing the said number in the right hand upper corner of the back of the ballot immediately to the left of the folding line printed thereon and in the margin above, and shall then at once fold the corner at the folding line and fasten it securely down with the adhesive paste so as